

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

KEISHA BUTLER,

Plaintiff,

vs.

FIRST CREDIT INC. dba QUIK CASH

Defendant.

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CASE NO. 07-01908-UWC

**AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION TO APPROVE SETTLEMENT
AND MOTION FOR AWARD OF ATTORNEY'S FEES AND EXPENSES**

Before me, the undersigned authority, personally appeared Earl P. Underwood, Jr., and having been first duly sworn, does depose and say as follows:

My name is Earl P. Underwood, Jr., and I am a licensed, practicing attorney in Baldwin County, Alabama. I have been practicing consumer law in Alabama for over 20 years. A significant portion of my practice pertains to Truth-in-Lending Act (TILA) and other consumer litigation, including cases under the Alabama Deceptive Trade Practices Act (DPTA).

I am generally familiar with the manner in which attorneys' fees are paid in these types of cases in and around the North Alabama area, having practiced consumer law in both federal and state courts there for over 15 years. For attorneys representing the plaintiff, many times the attorney is compensated on a contingent fee basis. The range of contingent fees charges in individual cases similar to the present, that are settled, ranges from one-third (33 – 1/3%) to one-half (50%) of the gross recovery. It is rare that such matters are tried. I have reviewed the court file on PACER and it reveals a high degree of competence on the part of both Plaintiff and Defense counsel.

I have reviewed the survey of billable rates conducted by the National Law Journal in its 2007 survey which is attached hereto as Exhibit A. Based on those firms which have a

substantial practice in the Huntsville, Birmingham, and Mobile area, such as Burr and Forman, the average rates for partners range between \$335 and \$340 per hour. Firms which have a substantial practice in New Orleans, Louisiana, and Birmingham, Alabama, such as Adams and Reese, average rates for partners range between \$225 and \$500 per hour.

I have also reviewed the application for fees and expenses of A. Wilson Webb filed in this matter. I understand that the normal hourly rate charged by Mr. Webb would be \$325.00 per hour. I am familiar with rates charged by attorneys in the Birmingham and North Alabama legal community for handling complex statutory matters, including defense counsel. It is my opinion that a rate of \$350.00 per hour is reasonable for the prosecution of actions like the present one.

I have personally been involved in cases with Mr. Webb. Additionally, he is a frequent lecturer on matters, such as the case at bar, at continuing education seminars that I have attended. Mr. Webb has extensive experience in handling similar matters and is highly competent. I am confident that his reputation and hard work were factors in obtaining the very favorable result in this matter.

Based upon my knowledge and review, I believe the attorneys' fee request of 69.8 hours at \$325.00 per hour and modest expenses of \$234.65 is fair and reasonable.

FURTHER, Affiant sayeth not.

By:


EARL P. UNDERWOOD, JR.

Sworn to and subscribed this 22nd day of December, 2008.



NOTARY PUBLIC
My Commission Expires: August 1, 2012



EXHIBIT A

THE NATIONAL LAW JOURNAL

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A nationwide sampling of law firm billing rates

December 10, 2007

The National Law Journal asked the respondents to its 2007 survey of the nation's 250 largest law firms to provide a range of hourly billing rates for partners and associates. The firms that supplied this information — including some firms that are not in the NLJ 250 — are listed below in alphabetical order. We also asked firms to provide average and median billing rates, and several complied. The number after a firm's name indicates the total number of attorneys at the firm. The city listed below the name of a firm is the location of its principal or largest office.

A-F G-L M-R S-W

Adams and Reese (256)

(New Orleans)

Partners \$225-\$500 (average \$305) (median \$300)

Associates \$165-\$255 (average \$198) (median \$197)

Firmwide (average \$278) (median \$275)

Andrews Kurth (396)

(Houston)

Partners \$400-\$795

Associates \$210-\$460

Arent Fox (329)

(Washington)

Partners \$395-\$675

Associates \$240-\$440

Armstrong Teasdale (279)

(St. Louis)

Partners \$295-\$450

Associates \$165-\$295

Baker, Donelson, Bearman, Caldwell & Berkowitz (523)

(Memphis, Tenn.)

Partners \$230-\$525 (average \$325) (median \$320)

Associates \$160-\$315 (average \$205) (median \$200)

Firmwide (average \$280) (median \$270)

Barnes & Thornburg (440)

(Indianapolis)

Partners \$265-\$485 (average \$350) (median \$355)

Associates \$180-\$295 (average \$225) (median \$220)

Firmwide (average \$302) (median \$310)

Bass, Berry & Sims (217)

(Nashville, Tenn.)

Partners \$300-\$575

Exhibit B

Associates \$180-\$285

Best Best & Krieger (195)

(Riverside, Calif.)

Partners \$290-\$495 (average \$275) (median \$390)

Associates \$160-\$350 (average \$203) (median \$235)

Firmwide (average \$212) (median \$265)

Bond, Schoeneck & King (167)

(Syracuse, N.Y.)

Partners \$200-\$435 (average \$294) (median \$295)

Associates \$140-\$250 (average \$179) (median \$175)

Firmwide (average \$253) (median \$300)

Bradley Arant Rose & White (242)

(Birmingham, Ala.)

Partners \$240-\$520 (average \$335) (median \$330)

Associates \$180-\$280 (average \$211) (median \$205)

Firmwide (average \$258) (median \$260)

Briggs and Morgan (178)

(Minneapolis)

Partners \$250-\$500 (average \$391) (median \$395)

Associates \$195-\$325 (average \$233) (median \$230)

Firmwide (average \$344) (median \$350)

Brinks Hofer Gilson & Lione (158)

(Chicago)

Partners \$300-\$650 (average \$479) (median \$485)

Associates \$180-\$410 (average \$273) (median \$250)

Firmwide (average \$365) (median \$350)

Broad and Cassel (175)

(Orlando, Fla.)

Partners \$250-\$450 (average \$361) (median \$360)

Associates \$165-\$310 (average \$232) (median \$225)

Firmwide (average \$294) (median \$275)

Brownstein Hyatt Farber Schreck (177)

(Denver)

Partners \$260-\$675 (average \$373) (median \$390)

Associates \$170-\$270 (average \$219) (median \$217.5)

Firmwide (average \$308) (median \$325)

Bryan Cave (847)

(St. Louis)

Partners \$320-\$695 (average \$493) (median \$490)

Associates \$165-\$495 (average \$295) (median \$295)

Firmwide (average \$394) (median \$375)

Buchanan Ingersoll & Rooney (561)

(Pittsburgh)

Partners \$320-\$750

Associates \$150-\$460

Bullivant Houser Bailey (160)

(Portland, Ore.)

Partners \$225-\$500 (average \$285) (median \$275)

Associates \$150-\$350 (average \$240) (median \$220)

Firmwide (average \$260) (median \$250)

Burr & Forman (182)

(Birmingham, Ala.)

Partners \$250-\$470 (average \$340)

Associates \$175-\$305 (average \$235)

Butzel Long (232)

(Detroit)

Partners \$210-\$575

Associates \$155-\$350

Carlton Fields (259)

(Tampa, Fla.)

Partners \$280-\$600 (average \$406) (median \$405)

Associates \$190-\$375 (average \$243) (median \$245)

Firmwide (average \$312) (median \$300)

Cooley Godward Kronish (567)

(Palo Alto, Calif.)

Partners \$470-\$875

Associates \$250-\$555

Covington & Burling (608)

(Washington)

Partners \$510-\$800

Associates \$240-\$525

Cozen O'Connor (476) (Philadelphia)

Partners \$230-\$750 (average \$420) (median \$425)

Associates \$155-\$530 (average \$283) (median \$280)

Firmwide (average \$350) (median \$340)

Curtis, Mallet-Prevost, Colt & Mosle (221)

(New York)

Partners \$635-\$735 (average \$666) (median \$685)

Associates \$280-\$560 (average \$361) (median \$360)

Firmwide (average \$396) (median \$480)

Davis Wright Tremaine (449)

(Seattle)

Partners \$300-\$695 (average \$430) (median \$422)

Associates \$170-\$390 (average \$257) (median \$250)

Firmwide (average \$375) (median \$375)

Day Pitney (400)

(Florham Park, N.J.)

Partners \$350-\$650 (average \$472) (median \$465)

Associates \$210-\$525 (average \$306) (median \$310)

Firmwide (average \$374) (median \$375)

Dickinson Wright (234)

(Detroit)

Partners \$260-\$530

Associates \$170-\$275

Dickstein Shapiro (388)

(Washington)

Partners \$425-\$825 (average \$552) (median \$550)

Associates \$225-\$440 (average \$336) (median \$360)

Firmwide (average \$438) (median \$425)

Dinsmore & Shohl (316)

(Cincinnati)

Partners \$235-\$475 (average \$342) (median \$340)

Associates \$155-\$285 (average \$199) (median \$190)

Firmwide (average \$275) (median \$250)

Dorsey & Whitney (649)

(Minneapolis)

Partners \$220-\$750 (average \$463) (median \$463)
 Associates \$145-\$470 (average \$274) (median \$260)
 Firmwide (average \$375) (median \$365)

Duane Morris (612)

(Philadelphia)

Partners \$315-\$705 (average \$475) (median \$470)
 Associates \$150-\$465 (average \$310) (median \$305)
 Firmwide (average \$416) (median \$415)

Dykema Gossett (338)

(Detroit)

Partners \$245-\$625 (average \$403)
 Associates \$185-\$390 (average \$272)

Edwards Angell Palmer & Dodge (564)

(Boston)

Partners \$350-\$700 (average \$515) (median \$513)
 Associates \$170-\$450 (average \$293) (median \$280)
 Firmwide (average \$407) (median \$400)

Epstein Becker & Green (384)

(New York)

Partners \$280-\$675 (average \$471) (median \$475)
 Associates \$155-\$440 (average \$290) (median \$280)
 Firmwide (average \$380) (median \$395)

Fenwick & West (223)

(Mountain View, Calif.)

Partners \$500-\$775 (average \$590) (median \$600)
 Associates \$245-\$500 (average \$360) (median \$370)
 Firmwide (average \$395) (median \$410)

Foley & Lardner (1,011)

(Milwaukee)

Partners (average \$550) (median \$550)
 Associates (average \$387) (median \$375)
 Firmwide \$185-\$855
 (average \$476) (median \$475)

Ford & Harrison (190)

(Atlanta)

Partners \$325-\$560
 Associates \$210-\$395

Fowler White Boggs Banker (209)

(Tampa, Fla.)

Partners \$230-\$500 (average \$345) (median \$340)
 Associates \$150-\$325 (average \$217) (median \$210)
 Firmwide (average \$303) (median \$300)

Fox Rothschild (417)

(Philadelphia)

Partners \$240-\$595
 Associates \$190-\$440

Frost Brown Todd (360)

(Cincinnati)

Partners \$225-\$455 (average \$303) (median \$295)
 Associates \$145-\$255 (average \$180) (median \$170)
 Firmwide (average \$256) (median \$255)

G-L

Gardere Wynne Sewell (284)

(Dallas)

Partners \$350-\$715 (average \$472) (median \$475)

Associates \$220-\$425 (average \$292) (median \$265)

Firmwide (average \$405) (median \$405)

GrayRobinson (205)

(Orlando, Fla.)

Partners \$175-\$500 (average \$319)

Associates \$250 (average \$198)

Firmwide (average \$224)

Greenberg Taurig (1,766)

(New York)

Partners \$300-\$1,000 (average \$490) (median \$500)

Associates \$175-\$505 (average \$311) (median \$310)

Firmwide (average \$407) (median \$415)

Harris Beach (184)

(Rochester, N.Y.)

Partners \$250-\$475

Associates \$140-\$275

Hiscock & Barclay (172)

(Syracuse, N.Y.)

Partners \$220-\$375 (average \$278) (median \$280)

Associates \$160-\$250 (average \$185) (median \$180)

Firmwide (average \$245) (median \$250)

Hodgson Russ (229)

(Buffalo, N.Y.)

Partners \$215-\$645 (average \$337) (median \$350)

Associates \$155-\$395 (average \$219) (median \$205)

Firmwide (average \$254) (median \$250)

Hogan & Hartson (1,092)

(Washington)

Partners \$300-\$850 (average \$600) (median \$590)

Associates \$150-\$525 (average \$385) (median \$370)

Firmwide (average \$490)

Holland & Hart (347)

(Denver)

Partners \$275-\$585 (average \$388) (median \$385)

Associates \$165-\$345 (average \$269) (median \$275)

Firmwide (average \$335) (median \$335)

Holme Roberts & Owen (224)

(Denver)

Partners \$285-\$635 (average \$412) (median \$410)

Associates \$195-\$420 (average \$284) (median \$265)

Firmwide (average \$353) (median \$345)

Howard Rice Nemerovski Canady Falk & Rabkin (114)

(San Francisco)

Partners \$495-\$775

Associates \$275-\$485

Hughes Hubbard & Reed (343)

(New York)

Partners \$595-\$825

Associates \$240-\$560

Husch & Eppenberger (332)

(St. Louis)

Partners \$190-\$425 (average \$297) (median \$295)

Associates \$130-\$260 (average \$179) (median \$175)

Firmwide (average \$248) (median \$245)

Jackson Lewis (416)

(White Plains, N.Y.)

Partners \$235-\$575

Associates \$210-\$450

Jenner & Block (495)

(Chicago)

Partners \$450-\$900 (average \$562) (median \$525)

Associates \$275-\$425 (average \$327) (median \$325)

Jones, Walker, Waechter, Poitevent, Carrère & Denègre (230)

(New Orleans)

Partners \$210-\$600

Associates \$150-\$225

Kelley Drye & Warren (390)

(New York)

Partners \$400-\$800

Associates \$255-\$500

Knobbe, Martens, Olson & Bear (208)

(Irvine, Calif.)

Partners \$340-\$645

Associates \$215-\$420

Lane Powell (175)

(Seattle)

Partners \$300-\$515 (average \$370) (median \$370)

Associates \$205-\$300 (average \$255) (median \$255)

Firmwide (average \$345) (median \$345)

Lathrop & Gage (271)

(Kansas City, Mo.)

Partners \$225-\$450 (average \$300) (median \$300)

Associates \$140-\$300 (average \$185) (median \$185)

Firmwide (average \$215) (median \$260)

Leonard, Street and Deinard (199)

(Minneapolis)

Partners \$300-\$500

Associates \$185-\$300

Lewis, Rice & Fingersh (165)

(St. Louis)

Partners \$240-\$425

Associates \$130-\$295

Lindquist & Vennum (174)

(Minneapolis)

Partners \$260-\$500

Associates \$165-\$260

Locke Liddell & Sapp (421)

(Dallas)

Partners \$375-\$900 (average \$488) (median \$490)

Associates \$190-\$390 (average \$281) (median \$280)

Firmwide (average \$399) (median \$425)

Loeb & Loeb (280)

(Los Angeles)

Partners \$425-\$875 (average \$606) (median \$600)

Associates \$240-\$500 (average \$384) (median \$400)

Firmwide (average \$505) (median \$500)

Lord, Bissell & Brook (290)

(Chicago)

Partners \$335-\$690 (average \$473) (median \$475)

Associates \$200-\$410 (average \$299) (median \$300)

Firmwide (average \$410) (median \$415)

Lowenstein Sandler (271)

(Roseland, N.J.)

Partners \$380-\$725

Associates \$205-\$395

Luce, Forward, Hamilton & Scripps (186)

(San Diego)

Partners \$325-\$725 (average \$465) (median \$475)

Associates \$220-\$450 (average \$281) (median \$280)

Firmwide (average \$381) (median \$395)

M-R

Manatt, Phelps & Phillips (320)

(Los Angeles)

Partners \$520-\$785 (average \$600) (median \$590)

Associates \$265-\$480 (average \$395) (median \$415)

Firmwide (average \$518) (median \$550)

Marshall, Dennehey, Warner, Coleman & Goggin (379)

(Philadelphia)

Partners \$135-\$400

Associates \$120-\$300

McCarter & English (400)

(Newark, N.J.)

Partners \$325-\$650

Associates \$205-\$395

McElroy, Deutsch, Mulvaney & Carpenter (238)

(Morristown, N.J.)

Partners \$295-\$450 (average \$250) (median \$235)

Associates \$135-\$225 (average \$180) (median \$165)

Firmwide (average \$195) (median \$215)

McKee Nelson (224)

(New York)

Partners \$635-\$920 (average \$760) (median \$755)

Associates \$375-\$595 (average \$446) (median \$455)

Firmwide (average \$489) (median \$475)

Michael Best & Friedrich (224)

(Milwaukee)

Partners \$225-\$550 (average \$363) (median \$350)

Associates \$185-\$300 (average \$234) (median \$235)

Firmwide (average \$321) (median \$325)

Miles & Stockbridge (212)

(Baltimore)

Partners \$315-\$535 (average \$397)

Associates \$205-\$405 (average \$260)

Miller, Canfield, Paddock and Stone (378)

(Detroit)

Partners \$265-\$595 (average \$400) (median \$400)

Associates \$160-\$340 (average \$225) (median \$220)

Firmwide (average \$285) (median \$335)

Miller & Martin (185)

(Chattanooga, Tenn.)

Partners \$230-\$580 (average \$338) (median \$340)

Associates \$160-\$295 (average \$201) (median \$195)

Firmwide (average \$306) (median \$320)

Montgomery, McCracken, Walker & Rhoads (136)

(Philadelphia)

Partners \$320-\$575 (average \$419)

Associates \$195-\$320 (average \$260)

Firmwide (average \$360)

Moore & Van Allen (284)

(Charlotte, N.C.)

Partners \$265-\$765

Associates \$175-\$330

Morgan, Lewis & Bockius (1,384)

(Philadelphia)

Partners \$375-\$850

Associates \$200-\$575

Morris, Manning & Martin (170)

(Atlanta)

Partners \$350-\$625 (average \$436) (median \$395)

Associates \$180-\$400 (average \$285) (median \$310)

Firmwide (average \$380) (median \$440)

Nexsen Pruet Adams Kleemeier (171)

(Columbia, S.C.)

Partners \$220-\$420

Associates \$150-\$250

Ogletree, Deakins, Nash, Smoak & Stewart (392)

(Greenville, S.C.)

Partners \$270-\$575 (average \$348)

Associates \$200-\$360 (average \$256)

Firmwide (average \$312)

Patton Boggs (518)

(Washington)

Partners \$320-\$920 (average \$536) (median \$525)

Associates \$205-\$520 (average \$375) (median \$385)

Firmwide (average \$456) (median \$455)

Pepper Hamilton (500)

(Philadelphia)

Partners \$335-\$750

Associates \$200-\$425

Perkins Coie (619)

(Seattle)

Partners \$205-\$805

Associates \$145-\$500

Phelps Dunbar (280)

(New Orleans)

Partners \$170-\$450 (average \$243)

Associates \$130-\$205 (average \$174) (median \$175)
Firmwide (average \$184)

Phillips Lytle (173)

(Buffalo, N.Y.)
Partners \$245-\$435 (average \$309) (median \$300)
Associates \$140-\$300 (average \$205) (median \$205)
Firmwide (average \$223) (median \$215)

Polsinelli Shalton Flanigan Suelthaus (316)

(Kansas City, Mo.)
Partners \$250-\$600
Associates \$175-\$250

Quarles & Brady (472)

(Milwaukee)
Partners \$260-\$575 (average \$377) (median \$375)
Associates \$185-\$335 (average \$233) (median \$235)
Firmwide (average \$319) (median \$325)

Reed Smith (1,447)

(Pittsburgh)
Partners \$350-\$825 (average \$558) (median \$525)
Associates \$200-\$510 (average \$374) (median \$350)
Firmwide (average \$395) (median \$385)

Robinson & Cole (209)

(Hartford, Conn.)
Partners \$340-\$575 (average \$424) (median \$420)
Associates \$200-\$325 (average \$295) (median \$280)
Firmwide (average \$328) (median \$330)

Roetzel & Andress (221)

(Akron, Ohio)
Partners \$210-\$460 (average \$302) (median \$300)
Associates \$110-\$275 (average \$198) (median \$200)
Firmwide (average \$264) (median \$260)

Rutan & Tucker (149)

(Costa Mesa, Calif.)
Partners \$335-\$600
Associates \$210-\$350

S-W

Saul Ewing (247) (Philadelphia)

Partners \$315-\$750 (average \$426) (median \$415)
Associates \$180-\$485 (average \$273) (median \$255)
Firmwide (average \$357) (median \$365)

Schnader Harrison Segal & Lewis (184)

(Philadelphia)
Partners \$240-\$750
Associates \$175-\$385

Schulte Roth & Zabel (461) (New York)

Partners \$650-\$850 (average \$724) (median \$745)
Associates \$235-\$585 (average \$435) (median \$440)

Sheppard, Mullin, Richter & Hampton (428)

(Los Angeles)
Partners \$425-\$795
Associates \$260-\$550

Shughart Thomson & Kilroy (172)

(Kansas City, Mo.)
Partners \$235-\$475
Associates \$160-\$225

Shumaker, Loop & Kendrick (171)

(Toledo, Ohio)
Partners \$200-\$465 (average \$311) (median \$305)
Associates \$180-\$360 (average \$221) (median \$220)
Firmwide (average \$289) (median \$300)

Sills Cummis Epstein & Gross (178)

(Newark, N.J.)
Partners \$350-\$650
Associates \$195-\$375

Smith, Gambrell & Russell (185) (Atlanta)

Partners \$250-\$575
Associates \$175-\$345

Snell & Wilmer (438) (Phoenix)

Partners \$275-\$675 (average \$390)
Associates \$170-\$390 (average \$248)

Steptoe & Johnson PLLC (180)

(Clarksburg, W.Va.)
Partners \$200-\$325
Associates \$170-\$250

Stinson Morrison Hecker (352)

(Kansas City, Mo.)
Partners \$230-\$600 (average \$333) (median \$365)
Associates \$175-\$250 (average \$207) (median \$225)
Firmwide (average \$295) (median \$285)

Stoel Rives (342) (Portland, Ore.)

Partners \$275-\$500 (average \$379) (median \$375)
Associates \$160-\$350 (average \$231) (median \$230)
Firmwide (average \$324) (median \$330)

Strasburger & Price (178) (Dallas)

Partners \$225-\$560 (average \$367) (median \$363)
Associates \$200-\$395 (average \$234) (median \$223)
Firmwide (average \$326) (median \$322)

Sullivan & Worcester (170) (Boston)

Partners \$415-\$700 (average \$550) (median \$540)
Associates \$245-\$420 (average \$309) (median \$290)
Firmwide (average \$438) (median \$440)

Sutherland Asbill & Brennan (511)

(Atlanta)
Partners \$375-\$715 (average \$511) (median \$500)
Associates \$215-\$415 (average \$292) (median \$280)
Firmwide (average \$335) (median \$305)

Thacher Proffitt & Wood (310)

(New York)
Partners \$525-\$785 (average \$674) (median \$700)
Associates \$275-\$495 (average \$353) (median \$365)
Firmwide (average \$428) (median \$395)

Thompson Coburn (320)

(St. Louis)

Partners \$265-\$580
Associates \$170-\$370

Thompson & Knight (414)

(Dallas)
Partners \$370-\$730 (average \$496) (median \$485)
Associates \$205-\$370 (average \$295) (median \$310)
Firmwide (average \$415) (median \$400)

Ulmer & Berne (174)

(Cleveland)
Partners \$240-\$470 (average \$343)
Associates \$165-\$290 (average \$212)
Firmwide (average \$280)

Vedder, Price, Kaufman & Kammholz (255)

(Chicago)
Partners \$335-\$650 (average \$430) (median \$425)
Associates \$205-\$410 (average \$281) (median \$370)
Firmwide (average \$372) (median \$365)

Wiggin and Dana (146)

(New Haven, Conn.)
Partners \$295-\$590
Associates \$195-\$350

Williams Mullen (314)

(Richmond, Va.)
Partners \$300-\$600
Associates \$205-\$425

Wilmer Cutler Pickering Hale and Dorr (1,051)

(Washington)
Partners \$475-\$1,000
Associates \$215-\$495

Winstead (306)

(Dallas)
Partners \$345-\$620
Associates \$180-\$360

Winston & Strawn (912)

(Chicago)
Partners \$400-\$845 (average \$608
capital partner/\$515 income partner) (median \$640 capital partner/\$585
income partner)
Associates \$200-\$590 (average \$365) (median \$395)
Firmwide (average \$455) (median \$523)

Womble Carlyle Sandridge & Rice (510)

(Winston-Salem, N.C.)
Partners \$290-\$575 (average \$426) (median \$425)
Associates \$195-\$370 (average \$268) (median \$265)
Firmwide (average \$355) (median \$360)